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Office of Patent Publication  
Director's Office

Attorney Docket No. 08059.0002-00000

PATENT

Customer No. 22,852

9200/ DAC #22

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Pita WITEHIRA et al.

Application No.: 09/622,535

Filed: November 22, 2000

For: A MULTI-LAYER DISPLAY AND  
A METHOD FOR DISPLAY  
IMAGES ON SUCH DISPLAY

)  
)  
) Group Art Unit: 2871

) Examiner: James A. DUDEK  
)  
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OCT 24 2003

OFFICE OF THE SPECIAL  
PROGRAMS EXAMINER

TECHNOLOGY CENTER 2800

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**Mail Stop: Issue Fee**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**UNDER 37 C.F.R. 1.181(a)**

A Notice of Abandonment was issued for this application on September 2, 2003.

The Notice, a copy of which is enclosed herewith, was neither signed nor did it indicate any reason for the holding of abandonment.

Accordingly, Applicants hereby petitions for withdrawal of the holding of abandonment. This petition is made in view of the following items timely filed in response to the Notice of Allowance and Fee(s) Due issued on April 21, 2003:

1. PTOL-85(b) Issue Fee Transmittal;
2. Notice of Disclaimer of Small Entity Status; and
3. Check No. 076084 for \$1300.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

A copy of the above items and a PTO-stamped postcard indicating receipt thereof by the Office on July 18, 2003 are enclosed herewith. Please note that the back of the check indicates that the Office cashed the check on July 21, 2003.

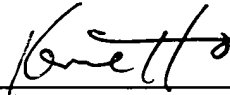
If there are any other fees due in connection with this application or the filing of this response, including any fees required for an extension of time under 37 CFR § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

If there are any questions concerning this case, please feel free to contact the undersigned at (202) 408-4287.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 24, 2003

By:   
Kenie Ho  
Reg. No. 51,808

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HENDERSON  
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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,535	11/22/2000	Pita Witehira	08059.002	7248

7590

09/02/2003

Finnegan Henderson Farabow Garrett & Dunner  
1300 I Street NW  
Washington, DC 20005

EXAMINER

DUDEK, JAMES A

ART UNIT PAPER NUMBER

2871

PH 21

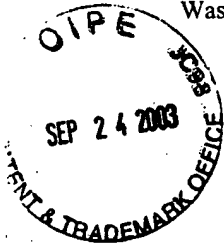
DATE MAILED: 09/02/2003

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FINNEGAN, HENDERSON,  
FARABOW, GARRETT & DUNNER, L.L.P.

Please find below and/or attached an Office communication concerning this application or proceeding.



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PETITION DUE: 9-8-03  
11/2/03

SEP 18 2003  
X



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/622,635

EXAMINER
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ART UNIT	PAPER NUMBER
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PH21

DATE MAILED:

TECHNOLOGY CENTER 2000

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### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.  
(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- ☐ No response has been received.
- ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
  - ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_
  - ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_
  - ☐ The issue fee has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
  - ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_
  - ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
  - ☐ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

**Respond to the Notice of Abandonment by one of the following:**

**Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f).

In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA  
22313-1450

By facsimile: 703-305-8755 or 703-305-4372

**Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required**

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

**Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website – <http://www.uspto.gov>

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.



DWH - KHO

**PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:**

*Box Issue Fee*

In Re Application of: Pita WITEHIRA et al.

Application No.: 09/622,535

Group Art Unit: 2871

Filed: November 22, 2000

Examiner: James A. DUDEK

For: A MULTI-LAYER DISPLAY AND A METHOD FOR DISPLAYING IMAGES ON SUCH A DISPLAY

1. PTOL-85(b) Issue Fee Transmittal Sheet (1 page);
2. Notice of Disclaimer of Small Entity Status (1 page); and
3. Check for \$1,300.

Dated July 18, 2003

Docket No.: 08059.0002-00000

DWH/KHO - Mail Drop 950



(Due Date: July 21, 2003)

FINNEGAN, HENDERSON, FARABOW  
GARRETT & DUNNER, L.L.P.

DETACH AND RETAIN THIS STATEMENT  
THE ATTACHED CHECKS IS IN PAYMENT OF ITEMS DESCRIBED BELOW.  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

076084

VENDOR I.D.#/GL#	INVOICE DATE	INVOICE #	INVOICE AMOUNT
08059 0002-00000	07/18/03	260217	1,300.00
G.TAYLOR MD 950			1,300.00

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TECHNOLOGY CENTER 2800

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Box ISSUE FEE  
**Commissioner for Patents**  
**Washington, D.C. 20231**  
**Fax** (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590

04/21/2003

Finnegan Henderson Farabow Garrett & Dunner  
 1300 I Street NW  
 Washington, DC 20005

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,535	11/22/2000	Pita Witchira	08059.002	7248

TITLE OF INVENTION: MULTI-LAYER DISPLAY AND A METHOD FOR DISPLAYING IMAGES ON SUCH A DISPLAY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	<del>YES</del> No	<del>YES</del> \$1,300	\$0	<del>YES</del> \$1,300	07/21/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
DUDEK, JAMES A	2871	349-001000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Finnegan, Henderson,  
 & Farabow, Garrett &  
 Dunner L.L.P.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Deep Video Imaging Limited

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Airport Road, Mystery Creek  
 Hamilton, New Zealand

Please check the appropriate assignee category or categories (will not be printed on the patent) ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☐ Publication Fee

☒ Advance Order - # of Copies 3

4b. Payment of Fee(s):

☒ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 06-0916 (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

Kenie Ho, Reg. No. 51,808

(Date)

7/18/03

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Kenie Ho

Finnegan, Henderson, Farabow, Garrett  
 & Dunner, L.L.P.  
 1300 I Street, N.W.  
 Washington, D.C. 20005  
 (202) 408-4287

Customer No. 22,852

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TRANSMIT THIS FORM WITH FEE(S)



PATENT  
Customer No. 22,852  
Attorney Docket No. 08059.0002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Pita WITEHIRA et al. ) Group Art Unit: 2871  
Application No.: 09/622,535 ) Examiner: James A. DUDEK  
Filed: November 22, 2000 ) Confirmation No. 7248  
For: A MULTI-LAYER DISPLAY AND )  
A METHOD FOR DISPLAYING )  
IMAGES ON SUCH A DISPLAY )

**MAIL STOP ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

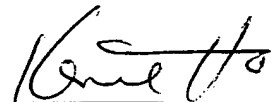
**NOTICE OF DISCLAIMER OF SMALL ENTITY STATUS**

In accordance with 37 C.F.R. § 1.27, Applicants hereby give notice that they are no longer claiming small entity status in connection with this application. This notification is being filed with the payment of a large entity issue fee of \$1,300.00.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 18, 2003

By:   
Kenie Ho  
Reg. No. 51,808

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
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WASHINGTON, D.C. 20005

15-52  
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CHECK NO. DATE AMOUNT  
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PATENT AND TRADE MARK OFFICE  
 13-10-0001  
 07-21-2003  
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 U.S. TREASURY

0021 12 11 60

JUN 22 03

SUNTRUST BLT 0722003  
 2663-001 051000020  
 48000015905

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 FIRST VIRGINIA BANK  
 0722003 FALLS CHURCH, VA  
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Account : 206744587  
Check : 76084  
Amount : 1300.00  
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